

MONO COUNTY PLANNING COMMISSION

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SPECIAL MEETING MINUTES

September 20, 2007

Chalfant Community Center, Chalfant Valley, CA

(Adopted November 8, 2007)

Commissioners present: Scott Bush, Sally Miller, Dan Roberts, Paul Rowan, Steve Shipley.

Staff present: Scott Burns, director; Larry Johnston, principal planner; Gerry Le Francois, senior planner; Evan Nikirk & Walt Lehmann, public works; Laurie Mitchel, consultant; Stacey Simon, assistant county counsel; C.D. Ritter, commission secretary.

1. **CALL TO ORDER:** Chair Sally Miller called the meeting to order at 4:10 p.m.
2. **PUBLIC COMMENT:** No items.
3. **PROJECT SITE VISIT.** The Planning Commission and staff conducted a site visit of the White Mountain Estates project in southern Chalfant Valley. Gerry Le Francois presented verbal descriptions and maps of the project.
4. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda.
5. **PUBLIC HEARING**
WHITE MOUNTAIN ESTATES SP/EIR/GPA 06-01. Consider the Environmental Impact Report (EIR), Specific Plan (SP) and General Plan Amendment 06-01 for the White Mountain Estates project (APN 26-240-09 & -10) in southern Chalfant Valley near the intersection of U.S. Highway 6 and White Mountain Estates Road. The project proposes: 1) subdivision of 70.38 acres into 45 single-family residential lots (overall project density of 1.5 acres per dwelling unit), one utility lot (0.78 acres) for water and propane tanks, three lots for open-space uses (1.46, 3.81, and 9.08 acres), and a remainder parcel (19.23 acres) that allows one single-family residence; and 2) General Plan Amendment 06-01 to redesignate the project site as Specific Plan (SP) from the current Rural Mobile Home (RMH) designation. Within the Specific Plan, planned land uses include single-family residential with a ½-acre minimum lot size (SFR ½), Open Space (OS), Utility (U), and Specific Plan/Single Family Residential (SP/SFR). *Staff: Gerry Le Francois*

Sally Miller outlined the procedure for a Special Meeting.

Gerry Le Francois presented a PowerPoint on the history of an earlier unapproved project and features of the current project.

Laurie Mitchel, who prepared the EIR, described issues she encountered. Highway improvement: intersection of White Mountain Road and Hwy. 6. Vegetation: Sensitive plant species on site and springs with riparian vegetation. Wildlife: The study recommended protection of areas around springs for wildlife. Cultural resources: The study indicated one significant site was avoided. Hydrologic: Consultants will describe extensive studies conducted. Drainage: Follows natural drainage paths on site and flows through existing area, out to LADWP land. Faults: Steeper, eastern portion has faults. Setbacks from faults are required by Alquist-Priolo.

The EIR contains three alternatives: 1) no project; 2) reduced project with only 39 lots next to existing development; or 3) reduced development with 19 lots. Agencies, groups and individuals submitted 11 written comments on the EIR, and several late comments were received.

DISTRICT #1
COMMISSIONER
Paul Rowan

DISTRICT #2
COMMISSIONER
Steve Shipley

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Sally Miller

Summary of agency issues: BLM issues related to fencing; DFG was concerned with springs; Caltrans proposed highway improvements (deceleration lane, moving cattle guard); LADWP mentioned the groundwater demand; Native American Heritage Commission had concerns with cultural resources; White Mountain Estates Water Co. preferred one water system; and the Homeowners Association wanted access to the existing common area. Individual respondents: Mike McWilliams mentioned a single water system, fault concerns, and common area; Peter Pumphrey preferred one water purveyor and had concerns for fire safety and highway safety; and Andy Zdon mentioned groundwater analysis errors, one water system, and circulation improvements. Mitchel summarized her responses to comments.

Le Francois reviewed all parts of the document: Specific Plan, EIR, Appendices of studies, Final EIR with comment letters and responses, GPA 06-01 changes land designation, and Tentative Tract Map 37-46 (design and improvements of APNs in question and a set of conditions). The Planning Commission was asked to recommend action by the Board of Supervisors.

OPEN PUBLIC HEARING: Developer's attorney Steve Kappos cited three years of extensive studies for moderate-priced housing developed in two phases. Unresolved issues: 1) Building setbacks: 30' between buildings on half-acre lots is unreasonable. The Fire Protection District indicated 30' between buildings on adjoining lots. 2) Affordable units: Before 50% of the project is developed and sold, both affordable units must be sold. Kappos contended that the developer has no control over qualified buyers, and this restriction could hold up sale of the entire project. He suggested changing to one affordable unit with 1/3 of the project sold, the other by the time it's 2/3 sold. 3) Conservation easement: Involves springs area in perpetuity. The intent is to approach federal authorities on trading the remainder parcel, hence no need for a conservation easement. Offer the land unencumbered. 4) Road repair: The developer is expected to provide extensive crack repair down to the highway and the County would follow later with an overlay. Kappos contended it's not fair for the developer to foot the bill when he didn't even use the road. The developer already has responsibility of a costly deceleration lane and moving a cattle guard. New owners would comprise only half of road users.

Rob Traylor, Golden State Environmental, incorporated regional data with site-specific data. Wells are over 300' deep, with three wells drawing water from the same overall system. Valley alluvium, basalt flow, and alluvial fan material are integrated as one. Approaching the mountains, "fault gouge" is evident. Alluvium was eroded by surface water. Phase I has no influence on wells in Phase II.

Dan Totheroh, representing White Mountain Mutual Water Co., suggested providing water by annexation to the system. Mono considered a Community Service Area, but needs community water system approval. Note: Existing shareholders are happy with the existing company but are concerned with unknown, increased fees. Financial analysis showed that all parties would save if systems combined. He encouraged one White Mountain community, not two.

Mike McWilliams, homeowner, referred to a revised geologic map that shows minimum building areas. Why should homeowners provide signs regarding trespass onto public land, as suggested by BLM? Other issues: 1) disposition of a spring on the remainder lot used as a traditional water source for livestock and wildlife is unclear; 2) the existing common area, designated as open space, is not in compliance with county codes; 3) the water company's transition line between lots 31 and 32 is the only easement not accepted by the County; 4) offer the affordable units for sale; 5) capping and sealing the road is a County responsibility; and 6) have one water system.

Tom Conn, president of the homeowners association, questioned: 1) well influence (Traylor responded that heat transfer analysis equations have been established 70 years and are the USGS industry standard. It is based on actual data derived from wells with same methodology.); 2) boundaries and possible encroachment onto existing property; and 3) traffic impact on White Mountain Road, especially speed on a steep grade that puts pedestrians, cyclists and kids at risk.

Dave Bushlow, resident of Chalfant West, predicted the affordable units would sell at once. Constraint on developing the rest should be dealt with easily. If the land is traded, remove the conservation easement. Traffic problems would be exacerbated by new development.

In response to Commissioner Shipley's inquiry about water source and draw-down effect, Dale Schneebergen did field work and observed significantly more drawdown in a second well due to permeability.

John Langford, BEAR Engineering, mentioned that surveys of the area indicate that the first phase seems to match with the second. He examined the Tract Map with a fine-toothed comb, and addressed adjoining property conflict. The survey should be clear.

Kappos emphasized developing in a responsible way, especially the water system.

Bob Stark, developer, indicated that water lines crossing faults would be handled. Phase I has existed for 27 years with no problems. Three small faults near the existing hilltop water tank are problematic. The need for affordable housing is a big deal, and he has pursued that with a fine product, representing modular as opposed to manufactured homes. Road repair is a heavy burden. The road was designed 27 years ago for both tracts, so has had lighter use from Phase I only. Originally it was dedicated as a County road. **CLOSE PUBLIC HEARING.**

Reconvened at 8:15 p.m. for staff response to public comments:

Fire-safe setbacks: The 30-ft. setback applies to one-acre lots; these are half-acre.

Affordable housing: Larry Johnston, principal planner, has worked with the Housing Authority/ Board of Supervisors to devise a complete housing program for the county. The income level to qualify for affordable housing is 120% of area median income. Almost every development includes a housing component. It's essential that the two affordable units be sold sometime soon so people can actually live in them. In Phase I affordable units would still not be built, as empty lots exist. Commissioner Bush questioned selling them vs. offering for sale. There could be a point where the house might have to be discounted in order to sell it. Housing is part of infrastructure cost of a project, and it may be a loss to the developer. An option is spreading the cost of housing over the remaining lots. If two-thirds are sold late in the game, it could be 15 years. The Ranches at Osage Circle, approved prior to the housing ordinance, has one remaining lot designated AH, but can't sell it. The developer didn't sell it early enough or make it affordable.

Conservation easement: A conservation easement exists unless a transfer to public ownership takes place.

Road work: Evan Nikirk, public works director, indicated that the existing 43 lots + 45 new lots would double round-trip traffic on the county road. He presented costs of street improvements for recent subdivisions and the cost of the County's current grind-and-overlay project. The repairs would involve removing 200 cracks and patching. It would be to both the County's and developer's benefit to bring the road up to a better standard. Although not done for Phase I in 1980, a Zone of Benefit is now required. Mitigation provides the only opportunity to offset impacts, and every subdivision is subject to this.

Commissioner Bush noted that Phase I would get it free but Phase II would pay. He pointed out that the tax base rises when houses are built. Phase I owners use the road to access their property.

If this subdivision were not built, when would Mono fix the road? Nikirk stated that the road would continue to deteriorate, as gas taxes – not property taxes – pay for road maintenance.

Commissioner Roberts recalled that Leonard Avenue in June Lake was constructed long before a subdivision was ever built.

Stacey Simon cited a legal explanation for the changes. Proposition 13 changed the funding landscape for local governments. The majority of tax revenue comes from corporate or business-owned property. Lands do not change hands that often. Property tax revenue is limited even today, so costs are charged to private developers. Zones of Benefit can be set up when property is developed; later would require a 2/3 vote of the people.

Fault impact on water line: Staff suggested providing engineering solutions for new lines. To satisfy the mutual water company's concern, soften the wording from "shall" to "should," although the applicant is comfortable with shall. Consider possible adjustments to language if a consensus can be reached between developer and the water company. If not, the language would stand.

DIRECTIVE: *Direct staff to facilitate the process between applicant and mutual water company and report to the Board of Supervisors.*

Building envelopes: Established for lots 31-34.

Infrastructure: Improvements such as cluster mailboxes are up to the new homeowners association to maintain.

Dam on spring: This preexisting condition is a civil issue between existing and new owners.

Trespass on Lot A: A land use violation exists on the property. Current homeowners won't own Lot A till it is conveyed to them. The violation needs to be cleared up.

Easements across 31 & 32: Offers of dedication were received for an easement for water line and drainage. Mono rejected an earlier drainage and utility easement, as the County does not operate water systems. Easements still exist on the property. Nikirk suggested that the existing water line easement was accepted by the water district through use. For Phase II he suggested an easement granted to the existing water district by separate instrument prior to map recording.

PROPOSAL: *Easements shall be offered for all proposed utilities.*

Traffic calming, excessive speed: Staff suggested BOS consider this driver-behavior issue.

Number of lots: Staff recommended 45 lots + remainder.

Water: Staff recommended a combined water system.

DISCUSSION: Commissioner Shipley expressed concern over affordable housing. Get it on the market ASAP. Mono should maintain the road, as new owners have nothing to do with its degradation. Passing the inflated cost of development on to owners would defeat affordable housing. Keep minimal impact on developer so properties could sell at a reduced rate. Already the developer is moving the cattle guard. Should new owners pay for existing problems? He viewed multiple water systems, such as Crowley Lake's, as an absolute nightmare. Speeding is a runaway issue, as it were - the more people show up, the faster they go. The condition of the road actually helps calm traffic. The road would not be in a Zone of Benefit, so the developer could pass along the cost.

Commissioner Roberts saw an opportunity to improve the road, but thought there might be reasons not to improve it (i.e., traffic calming).

Commissioner Bush wondered how costs would be kept low if buyers had to pay for the road. Should the developer have to find AH buyers? He hated to see the project stopped because a buyer couldn't be found. The units would have to sell eventually, as the market seems to take care of itself.

Commissioner Rowan thought residents could run out of water with only one water system. When would Mono actually repair the road? A \$2,000/unit assessment is not a lot of money for someone who could afford a modular unit. The real need is AH, especially at this location.

Commissioner Miller thought it critical that Mono honor its own housing policy to avoid setting bad precedent. The project has been planned for years and provides infill development adjacent to an existing community. A cost of development is to mitigate foreseeable future impacts. The cost/lot is not huge. She found it disingenuous and dangerous to say a bad road provides traffic calming. She suggested asking the Mono Supervisors to consider traffic-calming measures. The new association should pay for signs to protect springs. An easement involves BLM rules and regulations as well as the value of the land. The easement needs to remain. Talk to BLM on resolution.

MOTION: Adopt Resolution 07-01 for the White Mountain Estates Specific Plan/EIR/GPA 06-01/Tentative Tract Map 37-46 subject to the following commission recommendations: 1) staff is to consider traffic calming measures; 2) developer and Public Works must agree on acceptable levels of repairs on White Mountain Estates Road; 3) setbacks between buildings are to be 30 feet and from side property lines 15 feet; 4) staff and the developer are to review the proposed conservation easement outlined in Policy 3-B, Program 3-B on the remainder parcel and lot D; and 5) affordable housing implementation is to remain as outlined in Policy 2-B, Program 2-B. (Shipley/Miller. Ayes: 4. No: Bush.)

ALTERNATIVE MOTION: Same, except proponent would be responsible to build and price per guidelines before continuing the project. but not to sell AH units. Commissioner Bush's motion was intended to clarify that he was not voting against the project.

6. ADJOURN: 9:30 p.m.

Respectfully submitted,
C.D. Ritter, commission secretary